

O Lord, you hear the desire of the afflicted; you strengthen their heart; you will incline your ear to do justice to the oppressed, so that man who is of the earth may strike terror no more. - Psalm 10: 17-18.

Monisha Billings, DDS, MPH, PhD
Annapolis, MD 21404
301-828-0733
jmonisha@gmail.com

Senate Judicial Proceedings Committee
Miller Senate Office, 11 Bladen St., Annapolis, Maryland

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Re: SENATE BILL 17 – SUPPORT | Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges | Testimony by: Monisha Billings, DDS, MPH, PhD

Dear Senate Judicial Proceedings Committee,

I am deeply appreciative of the work of Senator West's introduction of Senate Bill 17. The purpose of this letter is to urge the Committee for a favorable report for SB 17.

The Centers for Disease Control and Prevention (CDC) estimates 1 in 4 girls and 1 in 13 boys to have experienced sexual abuse in childhood.¹ This catastrophic prevalence is equivalent to 142 jumbo jets, with children, crashing every day for 365 days a year in the United States; and 4 jumbo jets with children crashing every day for 365 days a year in Maryland. We face a crisis. Urgent action is needed to stop this unconscionable destruction of our children. Child sexual abuse (CSA) is not a cancer without a therapeutic or an infectious disease without a vaccine, but rather CSA is a preventable public health crisis. Yet, why aren't we preventing or stopping it?

In my experience it is because children and mothers are vulnerable populations who are not heard and not believed, despite overwhelming evidence. A strong bias against protective mothers and their children is alarming prevalent in the system. Previously, I naïvely believed that those in power to protect children *will* protect children. But to my dismay, I have found them only to shield alleged abusers and further endanger children by penalizing protective parents.

There is a failure of the system when Judges, who are authority figures, belittle and scold victims of domestic violence (DV) in their court rooms in front of the alleged abuser. When such Judges refuse to admit subpoenaed medical records documenting the extensive injuries inflicted on the victim by the alleged abuser; disregard the final protective order granted to protect the victim; disregard the Child Welfare Services' (CWS) Safety Plan granted to the DV victim and the minor child; disregard CWS report finding of endangerment of the minor child by the alleged abuser; disregard the police report documenting the violence; disregard the court-appointed custody evaluator's recommendations in favor of the DV victim; disregard the magistrate's recommendations but uphold the alleged abuser's exceptions to the magistrate; ignore testimony after testimony of witnesses to the abuse; and after denying such critical evidence, these Judges turn around and dismiss the domestic violence as a matter of insignificance. While in reality the DV victim continues to suffer the long-term impact of physical and emotional trauma with mounting medical and legal expenses, drowning the victim into financial distress. Such Judges revictimize the victim of DV in their court rooms and empower the abuser. When the court grants more power (i.e., tie-breaker authority or sole legal custody) to the abuser than the DV victim, it escalates the violence by the abuser.

What is even more distressing, is when the court re-appoints the same Judges who have previously disregarded and trivialized the domestic violence against the mother to then preside over the child custody trial involving child sexual abuse. The mother, a survivor of DV who had been emotionally lynched in the court room by the Judge would now have

¹ Centers for Disease Control and Prevention. Preventing Child Sexual Abuse. Accessible at: <https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>

to testify before such a Judge regarding the abuse of her little child. How does a mother get justice for her child in such circumstances... a never-ending system of traps? All that the mother asks for is a fair trial before an unbiased Judge. Is this too much to ask? Is asking for due process a great ask? Does this mother live in Afghanistan? No, this is Maryland in the United States of America!

Then there are Judges who just go by the words of the Best Interest Attorneys (BIAs) and the BIAs' opinions, rather than evidence. The BIAs who are in a position of power to protect children they represent, do just the opposite. They use their power to protect the alleged abuser. This is a shocking paradox. BIAs refuse to examine the evidence indicating the possibility of child abuse nor do they conduct a safety assessment. They then abuse their position of power and authority to suppress the child's voice they are supposed to advocate for, they intimidate mothers and coerce them into signing agreements, they obstruct due process, they bring in evaluators of their choice who work with them to further suppress the child's voice and the mother's concerns, gaslighting the mother. When the child makes disclosures of CSA, BIAs to cover up their tracks, attack the mother with false allegations of coaching. Listening to the BIA's hear-say allegations of coaching and without a shred of evidence, the Judges separate the child from the protective mother and hand over the child to alleged abuser. Together, they vehemently attack protective mothers, vilifying them without any reasonable justification. These Judges and BIAs are in denial that CSA could be perpetuated by a parent – despite consistent data from research. Research also shows the association between domestic violence and child sexual abuse. Yet such evidence arising from research is either unknown to BIAs and Judges or they willfully deny it.

Don't they know that little children will turn to their mothers whom they trust to confide in them when they are being inappropriately treated? Even this basic support to young children is taken away from them, when their mothers are taken from them under the pretext of coaching. Only much later to be exonerated by a diligent Judge who carefully reviewed the evidence.

Mothers and children are separated for years and they endure immense trauma, abuse, and suffering in silence and isolation. This is inhumane and cruel to children and mothers. A violation of civil rights and human rights. A mockery of justice. The bond between a mother and child begins well before birth and cannot be easily broken. And in my opinion, is a sacred bond. The role of a mother in these times is looked upon with disdain and mocked as "primitive animal instincts". Yet, even animals can teach us "superior" humans a few lessons of love, nurture and compassion.

All of this germinates a system that silences children into years of abuse and vindictively punishes mothers with punitive sanctions whose only desire is the safety and wellbeing of their helpless, little children. The existing system revictimize children and mothers who are victims of domestic violence. The prejudice against mothers of color in an interracial marriage is even more severe.

In these unprecedented times, when the cries of the common man are reaching the halls of power, I join with other protective parents in echoing the cries of children and protective parents.

It is said, *"It takes a village to raise a child."* But I say it also takes a village to save a child from abuse. The inspiring Liberty Bell was constructed for American Independence, became a symbol of the anti-slavery movement and women's suffrage, but a liberty bell for children is yet to be recognized and proclaimed. May the words inscribed on the Liberty Bell: Leviticus 25:10, *"Proclaim liberty throughout all the land unto all the inhabitants thereof"* hold true for our most vulnerable inhabitants – our children.

It is my hope that the enormous suffering of children and protective parents will soon end in our State and there be zero tolerance for child abuse. The first step in this direction will be rigorous training of Judges on the complexities of child abuse, domestic violence and coercive control. The lives of children matter.

Sincerely,

Monisha Billings

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CHILD SEXUAL ABUSE (CSA) – HOW BIG IS THE PROBLEM?



10.4 million girls and 3 million boys: experience CSA in US



298,656 girls and 88,218 boys: experience CSA in MD



Source: Centers for Disease Control and Prevention
<https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>

- **142 jumbo jets with children** crashing every day for 365 days a year – in US
- **4 jumbo jets with children** crashing every day for 365 days a year – in MD
- Alert! This is a **CRISIS!**
- 91% of child sexual abuse is perpetrated by someone the child or child’s family knows. - CDC
- Little investment has been made in primary prevention, or preventing child sexual abuse before it occurs. - CDC
- **A Call to Action** to end this crisis
- **ZERO tolerance for CSA** is imperative

United States	Girls	Boys	Total
Population ≤19 years (millions), US 2019 census	41.7	39.93	
CSA prevalence	0.25	0.08	
No. of CSA children (millions)	10.43	3.07	
No. of jumbo jets of 260-passenger capacity crashing	40,096	11,814	
No. of jumbo jets crashing each day for 365 days in a year	110	32	142
Maryland			
Population <18 years in Maryland, 2019 Census	1,194,626	1,102,732	
No. of CSA children	298,657	88,219	
No. of jumbo jets of 260-passenger capacity crashing	1,149	339	
No. of jumbo jets crashing each day for 365 days in a year	3	1	4